

March 10, 2022

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 10th day of March 2022, at 7:00 P.M., and there were

PRESENT: ANTHONY CASTELLANA, MEMBER

CARLO DIRIENZO, MEMBER

JOHN MIKOLEY, MEMBER

KEITH STOERR, MEMBER

PETER SUGG, MEMBER

JILL MONACELLI, CHAIRMAN

ABSENT: MARK TILLMANN, MEMBER

ALSO PRESENT: DIANE M. TERRNOVA, TOWN CLERK

THOMAS FOWLER, JR., TOWN ATTORNEY

MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

**PETITION OF: THOMAS GARLAND**

THE 1<sup>st</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Thomas Garland, 5679 Broadway Street, Lancaster, New York 14086 for two [2] variances for the purpose of constructing an accessory pole barn on premises owned by the petitioner at 5679 Broadway Street, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 15, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for constructing a pole barn eighteen [18] feet, eleven [11] inches in height.

Chapter 400, Zoning, Section 15, Subsection C, Schedule B of the Code of the Town of Lancaster requires a maximum accessory structure height of sixteen [16] feet. The petitioner, therefore, requests a two [2] foot, eleven [11] inch variance.

- B. A variance from the requirements of Chapter 400, Zoning, Section 15, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for constructing a fifteen hundred [1,500] square foot pole barn.

Chapter 400, Zoning, Section 15, Subsection C, Schedule B of the Code of the Town of Lancaster requires a maximum accessory size of 750 square feet. The petitioner, therefore, requests a 750 square foot variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning, New York State Department of Transportation and the Village of Lancaster of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Thomas Garland, Petitioner	Proponent
Kathleen Garland	Proponent

**IN THE MATTER OF THE PETITION OF: THOMAS GARLAND**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. SUGG, WHO MOVED ITS  
ADOPTION, SECONDED BY MR. DIRIENZO  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Thomas Garland and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of March 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is the present owner of the premises in question.

**WHEREAS**, the property for which the applicant is petitioning is within a Multi Family Mixed Use (MFMU) District, as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is not self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is  
hereby **GRANTED**.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call which resulted as follows:

MR. CASTELLANA	VOTED	YES
MR. DIRIENZO	VOTED	YES
MR. MIKOLEY	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	WAS ABSENT	
MS. MONACELLI	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

March 10, 2022

**PETITION OF: KRISTIN & PETER RYBINSKI**

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Kristin and Peter Rybinski, 426 Lake Avenue, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a roof structure on premises owned by the petitioners at 426 Lake Avenue, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for installing a roof structure three [3] inches from a primary structure.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires an accessory structure to be a minimum of ten [10] feet from another structure. The petitioners, therefore, request a nine [9] foot, nine [9] inch variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Peter Rybinski, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: KRISTIN & PETER RYBINSKI**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. STOERR, WHO MOVED ITS  
ADOPTION, SECONDED BY MR. SUGG  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Kristin & Peter Rybinski and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of March 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicants are the present owners of the premises in question.

**WHEREAS**, the property for which the applicants are petitioning is within a Residential (R) District as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is  
hereby **GRANTED**.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call which resulted as follows:

MR. CASTELLANA	VOTED	YES
MR. DIRIENZO	VOTED	YES
MR. MIKOLEY	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	WAS ABSENT	
MS. MONACELLI	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

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**PETITION OF: LUCAS JAMES**

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Lucas James, 43 Conrad Street, Depew, New York 14043 for one [1] variance for the purpose of a site plan approval on premises owned by the petitioner at 5827 Broadway Street, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for pavement at the east property line without setback landscape area.

Chapter 400, Zoning, Section 17, Subsection C, Schedule B of the Code of the Town of Lancaster requires a minimum side and rear yard for parking, loading and stacking areas abutting a nonresidential district of ten [10] feet. The petitioner, therefore, requests a ten [10] foot setback variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning and New York State Department of Transportation of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

James Mancuso, Representing Petitioner	Proponent
Lawrence Ronald	Questions/Comments



**IN THE MATTER OF THE PETITION OF: LUCAS JAMES**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. STOERR, WHO MOVED ITS  
ADOPTION, SECONDED BY MR. MIKOLEY  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Lucas James and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of March 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has requested further information from the petitioner.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster, with the concurrence of the petitioner, agrees that an adjournment of this hearing is in the best interest of both the residents of the Town of Lancaster and the petitioner.

**NOW, THEREFORE, BE IT  
RESOLVED** that this hearing be adjourned to allow for further testimony and evidence to be presented.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. CASTELLANA	VOTED	YES
MR. DIRIENZO	VOTED	YES
MR. MIKOLEY	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	WAS ABSENT	
MS. MONACELLI	VOTED	YES

The resolution granting the variance was thereupon **ADJOURNED**.

March 10, 2022

**PETITION OF: DANIEL BLOCK**

THE 4<sup>th</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Daniel Block, 33 Pear Tree Lane, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a patio roof cover on premises owned by the petitioner at 33 Pear Tree Lane, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for installing a patio roof cover, seven [7] feet, six [6] inches from an existing inground pool.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires an accessory structure to be a minimum of ten [10] feet from another structure. The petitioner, therefore, requests a two [2] foot, six [6] inch variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Daniel Block, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF: DANIEL BLOCK**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. MIKOLEY, WHO MOVED ITS  
ADOPTION, SECONDED BY MR. DIRIENZO  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Daniel Block and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of March 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is the present owner of the premises in question.

**WHEREAS**, the property for which the applicant is petitioning is within a Residential District, (R) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is not self-created.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is  
hereby **GRANTED**.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call which resulted as follows:

MR. CASTELLANA	VOTED	YES
MR. DIRIENZO	VOTED	YES
MR. MIKOLEY	VOTED	YES
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	WAS ABSENT	
MS. MONACELLI	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

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ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting  
was adjourned at 7:41 P.M.

Signed \_\_\_\_\_  
Diane M. Terranova, TOWN CLERK and  
Clerk to Zoning Board of Appeals  
March 10, 2022